

REMARKS

Claims 1-40 are pending in the application, and are rejected in the Office Action mailed March 14, 2008. The Examiner is kindly asked to review and consider the remarks and amendments herein, which are believed to be fully responsive to the outstanding Office Action and to place the application in condition for allowance. None of the pending claims are cancelled; claims 1, 10, 22, 30, 33 and 40 are amended by this response. Therefore, the aforementioned claims 1-40 remain pending in the application.

Claim Rejections – 35 U.S.C. section 102(b) based on Hoyt et al.

Claims 1, 4, 8-10, 13, 14, 16, 19, 20, 30 and 31 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hoyt et al US 6,085,195, hereinafter referred to as Hoyt. This rejection includes independent claims 1 and 30. Therefore, the remarks in this section apply to allowability of these independent claims together with all of their dependent claims, that is, claims 1-21 and 30-32.

As understood by Applicants, Hoyt describes a computer program product for an interactive public kiosk including a processor for automatically forming a web page including an image of a user. The computer readable media includes code that directs the processor to capture an image of the user, and code that directs the processor to modify the image according to a user-selected theme to form a modified image. Further code directs the processor to determine a URL address for the web page. The computer readable media also includes code that directs the processor to create a file in response to the user selected theme and the modified image, and code that directs the processor to upload the file to be located at the URL address to a server (see Abstract).

After carefully examining Hoyt, Applicants do not believe that Hoyt anticipates independent claims 1 and 30. For example, Applicants have not found that Hoyt prescribes, as recited in paragraph (c) of claim 1, “an input reader for accepting pre-programmed instructions from a first storage medium”. Such instructions are described in the specification as follows:

In order to function as a digital director, imaging apparatus 10 must first obtain a set of programmed instructions *that are suited to the particular theme or event of interest.*

Additionally, other images and special effects can also be provided for digital director operation. In one embodiment, programmed instructions and images are available on a DVD or similar optically encoded medium. Various versions of digital director media could be *made available to consumers, differentiated by theme or event*. Typical activities for which digital director media could be particularly tailored include sports, hobbies, scout troops, camping and outdoor activities, art, music, and travel, for example. Themes for digital director media could include humor, romance, family gatherings, baby showers, babies and children, and the like. (page 8, lines 15-25).

The Examiner points to Fig. 3, element 126 and to col. 5, lines 66-67 and col. 6, lines 1-10 of Hoyt for such an input reader providing pre-programmed instructions. However, these citations are merely a reference to CPU 126 and its various input ports, such as video input, keyboard input or network input. Nothing is disclosed about a set of programmed instructions *that are suited to the particular theme or event of interest*. In order to clarify this point, paragraph (c) of claim 1 (and, similarly, claim 30) is amended to read as follows:

(c) an input reader for accepting pre-programmed instructions from a first storage medium as enabled by the camera operator, said pre-programmed instructions being suited for, and differentiated by, a particular theme or event of interest as represented by the video program.

Besides clarifying the instructions, Claims 1 and 30 have been amended to specify that the presentation is assembled from the plurality of image sequences as part of a video program prepared by a camera operator, and that the input reader accepts pre-programmed instructions from a first storage medium as enabled by the camera operator. As indicated on page 3, lines 7-14 of the specification, one objective is to portray the subjects as part of a video program prepared by a camera operator. As described on page 9, lines 10-15, the operator loads the digital director software into the imaging apparatus, e.g., by feeding an

optical storage disk into the imaging dock assembly as a preparatory step to image capture. However, more generally, the operator enables use of the storage medium since. While the medium may be, e.g., a magnetic tape or optical disk, or the like, that is physically handled by the operator, it may also be information obtained, e.g., via a communications link such as a connection to a website via the Internet (page 19, lines 1-4). Further with regard to the latter connection, or the like, dependent claim 10 has been amended to indicate that the input reader, which accepts the pre-programmed instructions from the first storage medium comprises an input interface section providing input over a wired or wireless port connection, including connection via the internet (see page 7, lines 4-15, page 8, lines 29-31, and page 19, lines 1-4 of the specification for supporting disclosure).

Anticipation under 35 U.S.C. Section 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. *Rockwell International Corp. v. United States*, 47USPQ2d 1027, 1031 (Fed. Cir. 1998). Applicants respectfully submit that Hoyt fails to disclose, as set forth in the amended claims, at least the above-discussed features of Independent Claims 1 and 30. Accordingly, Applicants respectfully request withdrawal of the § 102(b) rejection of Claims 1 and 30, as well as their respective dependent Claims 2-21 and 31 -32, and to consider allowance of the claims.

Claim Rejections – 35 U.S.C. section 102(b) based on Sawatchi.

Claims 23-29 stand rejected under 35 U.S.C. 102(b) as being anticipated by Sawatchi US 2002/0030744. This rejection includes independent claim 23 together with all of its dependent claims, that is, claims 24-29.

The principal argument raised by the Examiner is understood to be that Sawatchi discloses “an audio reproduction mechanism (fig. 1 elements 94 and 98) for playing the audio recording (para 0052, para 0058); and wherein a motion video sequence is captured and stored while the audio reproduction means plays back a stored audio recording (para 0044, para 0074)” (from page 6 of the Office action).

However, Applicants respectfully believe that such anticipation is not shown by Sawatchi. In Sawatchi, Applicants understand that while audio can be obtained while the image data is being obtained (e.g., see para 0083) and audio can be played while the image data is being played (e.g., see para 0084), audio cannot be played while images are being captured (e.g., see para 0087). Indeed,

Sawatchi is understood to include dual, mutually exclusive systems for capturing images and playing audio (see, e.g., FIG. 11). However, Applicants understand that these systems cannot operate together inasmuch as they employ mutually exclusive, multi-functional operation members (FIG. 3).

Applicants submit that this separability of functions is seen throughout the Sawachi disclosure. For example, the common operational member may be a release switch operable as a shutter switch in the camera operation mode and as an audio operation switch in the audio operation mode (para 0011). Audio operation here is understood to mean playback, and the audio mode is understood to be inoperable when the common members are in the imaging mode. Moreover, Sawatchi advises that

“Since the portable multi-function apparatus 10 has the common operation member used both for the camera operation and the audio operation, it is preferable to have some alert or notification function to tell or show the user which mode the portable multi-function apparatus is in at the time of its use. The release switch 114 may gleam with light, which is differently used for different operations with different colors. For example, the release switch 114 may have a green light when the portable multi-function apparatus 10 is used as a camera and have a red light when used as an audio player. The alert or notification may be made by a specific sound. The specific sound may be sound differently sound for different operations. The display panel 102 or the LCD panel 104 may display some kinds of notice. The display panel 102 or the LCD panel 104 may also display only black screen to let the user know that the portable multi-function apparatus is in the audio operation mode. Moreover, when the portable multi-function apparatus 10 is in the audio operation mode, it is preferable for the user to not be able to see the view from the finder 34. (para 0087)

It seems to Applicants that every effort is made to be sure that the operator does not confuse the audio operation mode with the camera operation mode, since one will be excluded when the other is in operation.

Accordingly, Applicants respectfully submit that Sawatchi fails to disclose, as set forth in independent claim 23, “an audio reproduction mechanism for playing the audio recording; and wherein a motion video sequence is captured and stored while the audio reproduction means plays back a stored audio recording”. For anticipation to be found, this and all of the claimed elements must be found in Sawatchi. Since that is not the case with respect to each and every one of the claims 23-29, the Examiner is respectfully asked to withdraw the rejection of these claims under 35 U.S.C. 102(b) and to consider allowance of these claims.

Claim Rejections – 35 U.S.C. section 103(a) over Hoyt in view of Frey.

Claims 2, 3, 5-7, 11, 12, 15, 21, 22 and 32-40 stand rejected under 35 U.S.C. 103(a) as being anticipated by Hoyt in view of Frey et al US 6,369,908, hereinafter referred to as Frey. This rejection includes independent claims 22, 33 and 40. Therefore, the remarks in this section apply to allowability of these independent claims together with all of their dependent claims, that is, claims 22, 33-39, and 40. Dependent claims 2, 3, 5-7, 11, 12, 15, 21, and 32, which also stand rejected, are believed to be allowable at least in view of the allowability of their parent claims, namely claims 1 and 30, as pointed out below.

Claims 22 and 40 were rejected upon “the combined teachings of Hoyt and Frey, as a whole,” without specific reference to any part of either reference, except to indicate that “claim limitation have already been discussed and rejected, see claims 1 and 2”. Since claim 2 added an output writer for recording said presentation onto a second storage medium, and Frey was cited for allegedly disclosing that feature, we will assume that Frey was likewise cited only for disclosure of such a feature in connection with claims 22 and 40. If this assumption is incorrect, we ask the Examiner for further guidance.

Claims 22 and 40 have been amended to the same extent as claims 1 and 30, as noted above. As mentioned above, Applicants submit that Hoyt fails to disclose, as set forth in claims 22 and 40, at least pre-programmed instructions that are suited for, and differentiated by, the particular theme or event of interest,

and is submitted to further fail to disclose that the presentation is assembled from the plurality of image sequences as part of a video program prepared by a camera operator, and that the input reader accepts pre-programmed instructions from a first storage medium as enabled by the camera operator. For obviousness to be found, the claimed combination of elements must be obvious to one of ordinary skill in the art from the combination of Hoyt in view of Frey. Lacking any suggestion of the feature identified above, Applicants respectfully submit that nothing has been found in these references, alone or in combination, that would have rendered the claimed invention obvious as a whole to one of ordinary skill in the art with respect to each of the claims 22 and 40. Therefore, the Examiner is respectfully asked to withdraw the rejection of these claims under 35 U.S.C. 103(a) and to consider allowance of the claims.

Claim 33 recites a method for forming a presentation comprising a set of image sequences captured using an electronic camera. The method (as amended) comprises the steps of:

- (a) obtaining programmed instructions for capturing members of the set of image sequences;
- (b) assembling an electronic storyboard, according to the programmed instructions, comprising a plan for the arrangement of said members of the set of image sequences made at least in part before their capture;
- (c) prompting the camera operator to obtain individual members of said set of said image sequences by displaying operator instructions to the camera operator;
- (d) storing said set of said image sequences in a memory;
- (e) assembling the presentation using said set of said image sequences, according to said electronic storyboard; and
- (f) recording the presentation onto a storage medium.

At the outset, we note that step (a), that is, obtaining programmed instructions for capturing members of the set of image sequences, has not been found in either Hoyt or Frey, for reasons as expressed heretofore in connection with the section 102 rejections. But just as importantly, step (b), that is, assembling an electronic storyboard, according to the programmed instructions, comprising a plan for the arrangement of said members of the set of image

sequences, is likewise not found anywhere in either Hoyt or Frey. To understand why, reference is made to the specification,

... electronic storyboard 70 specifies an ordered arrangement of image sequences. This can include graphics 54 and title text 68 as well as planned segments 76, *which are allotted for captured image sequences 64 when these are obtained*. Transitions 66 are also provided between captured image sequences 64. These transitions may be fades, graphics, segues, or other scene transitions, using any of the techniques described in U.S. Patent No. 6,292,219, listed above or other familiar transitional mechanisms between captured image sequences 64.

Electronic storyboard 70 as shown in Figure 9a is highly conceptual. In practice, any number of methods could be used *for arranging captured image sequences 64 beforehand*. However, Figure 9a shows the basic principles: a plan is generated for incorporating captured image sequences with pre-stored images and special effects loaded as part of the digital director data. (page 9 line 31 – page 10, line 11).

A point to take from this passage is that the scenes are shot according to a schedule best suited for the event or theme at hand, such as a birthday party, and then assembled according to a pre-existing storyboard prepared beforehand (as indicated by the italicized sections in the passage). In other words, the electronic storyboard is assembled according to the programmed instructions, comprising a plan for the arrangement of said members of the set of image sequences, at least in part before their capture. None of this is understood to be disclosed or in any way suggested by either Hoyt or Frey, either alone or in combination according to section 103(a). To emphasize this point, claim 33 has been amended to indicate that the electronic storyboard is assembled at least in part before capture of the image sequences.

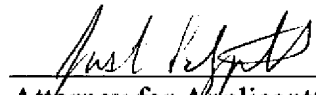
Consequently, in view of these remarks and the amendment to claim 33, claims 33-39 are believed to be allowable over Hoyt in view of Frey.

Claim Rejections – 35 U.S.C. section 103(a) over Hoyt in view of Frey and further in view of Culbert.

Claims 17 and 18 stand rejected under 35 U.S.C. 103(a) as being anticipated by Hoyt in view of Frey and further in view of Culbert 2002/0136294. However, these are dependent claims and are believed to be allowable at least in view of the allowability of their parent claim, namely claim 1.

It is believed that the foregoing is a complete response to the Office Action and that the claims are in condition for allowance. Favorable reconsideration and a notice of allowance is therefore earnestly solicited.

Respectfully submitted,



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